

LABOUR DEPARTMENT

The 22nd July, 1980

No. 11(112)-80-3Lab./9081. —In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act. No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Mac Metal Works, Plot No. 2, Gurukul Road, Post Office Amar Nagar, Faridabad :—

IN THE COURT OF SHRI I. P. CHAUDHRY, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 97 of 1980

between

SHRI MUKHTAYAR AHMAD, WORKMAN AND THE MANAGEMENT OF M/S. MAC
METAL WORKS, PLOT NO. 2, GURUKUL ROAD, POST OFFICE AMAR NAGAR,
FARIDABAD

Present.—

Shri R. L. Sharma, for the workman.

None, for the respondent-management.

AWARD

This reference No. 97 of 1980 has been referred to this court by the Hon'ble Governor of Haryana—, vide his order No. 1D/FD24-80/10749, dated 28th February, 1980 under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Mukhtayar Ahmad workman and the management of M/s Mac Metal Works, Plot No. 2, Gurukul Road, Post Office Amar Nagar, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Mukhtayar Ahmad was justified and in order ?
If not ; to what relief is he entitled ?

After receiving the order of reference notices were issued to both the parties for 24th April, 1980. Shri R. L. Sharma appeared on behalf of the workman, but none was present from the side of the management. Service of the notice had not been effected on the management. So I ordered that fresh notice be issued to the management for 14th May, 1980. On that day Shri R. L. Sharma appeared on behalf of the workman but none was present on behalf of the management. Service of the notice had been effected on the management. So I proceeded *ex parte* against the management and the case was fixed for the *ex parte* evidence of the workman for 5th June, 1980. Evidence of the workman was recorded on 5th June, 1980.

The workman Shri Mukhtayar Ahmad appeared in this court as WW-1. He stated that he as working with the respondent management for the last one year. He was getting Rs 450/- per month. The workman further stated that he was permanent employee of the management. The management did not issue any appointment letter to him. The workman further stated that his work during his stay was quite satisfactory. The management terminated his services on 8th January, 1980 without any notice. The workman further stated that he was un-employed till now. He tried his best to get employment but in vain, and prayed that he be re-instated with full back wages and continuity of service.

Keeping in view the circumstances of the case, I see no reason why the un-rebutted statement given on oath by the workman should not be relied upon especially when the management chose not to appear and defend this reference before this Court. So I relying upon the un-rebutted statement of the workman, hold that the termination of the services of the workman Shri Mukhtayar Ahmad was unjustified and not in order. He is entitled to be reinstated with full back wages and continuity of service.

I answer the reference while returning the same in these terms.

Dated the 10th July, 1980.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 1145, dated 16th July, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, with the request that receipt of the award may please be acknowledged within a week.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.